

Regular Session, 2010

SENATE BILL NO. 617

BY SENATOR MCPHERSON

MOTOR VEHICLES. Prohibits impounding of a private passenger car, pickup truck, van, recreational vehicle, or motorcycle operated by Louisiana residents for a first violation except when there exists an imminent danger to the public. (8/15/10)

AN ACT

To enact R.S. 32:392.1, relative to motor vehicles; to prohibit impoundment in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:392.1 is hereby enacted to read as follows:

§392.1. Impounding of vehicles; exceptions

A. Notwithstanding the provisions of R.S. 32:863.1 and any other law to the contrary, a private passenger car, pickup truck, van, recreational vehicle, or motorcycle stopped while being operated by a Louisiana resident shall not be impounded when the operator or the vehicle, or both, presents no imminent danger to the public. Instead, the law enforcement officer shall issue the resident operator a notice of noncompliance and allow the operator to proceed. In addition, the law enforcement officer may remove the license plate from the vehicle.

B. For the purposes of this Section, "imminent danger to the public" means a present and apparent danger to the life, health, safety, or property of the public.

- 1 **C. Subsection A of this Section shall apply only to a first violation. A**
2 **law enforcement officer may impound a private passenger car, pickup truck,**
3 **van, recreational vehicle, or motorcycle for a second or subsequent violation.**
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The original instrument was prepared by Sharon F. Lyles. The following digest, which does not constitute a part of the legislative instrument, was prepared by Michelle Broussard-Johnson.

DIGEST

McPherson (SB 617)

Proposed law prohibits impoundment of a private passenger car, pickup truck, van, recreational vehicle, or motorcycle stopped while being operated by a Louisiana resident by a law enforcement officer where such vehicle or operator, or both, present no imminent danger to the public.

Proposed law provides that an operator who is a resident of Louisiana shall be issued a notice of noncompliance and allowed to proceed. Provides further that a law enforcement officer may remove the license plate from a private passenger car, pickup truck, van, recreational vehicle, or motorcycle.

Proposed law defines "imminent danger to the public" as a present and apparent danger to the life, health, safety, or property of the public.

Proposed law provides that the impoundment prohibition applies only to a first violation and makes impoundment discretionary with the law enforcement officer for a second or subsequent violation.

Effective August 15, 2010.

(Adds R.S. 32:392.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill.

1. Adds that the impoundment prohibition applies to a first violation. Makes impoundment discretionary with the law enforcement officer for a second or subsequent violation.

Senate Floor Amendments to reengrossed bill.

1. Technical amendments with clarifying language.